REMARKS

An Office Action was mailed on October 20, 2004. Claims 1 – 25 are pending in the present application. Applicants amend claims 8. No new matter is added.

ALLOWED CLAIMS

Applicants thank the Examiner for indicating that claims 19 – 25 are currently allowed.

OBJECTED CLAIMS

Applicants thank the Examiner for indicating that claim 8 is objected to as being dependent on rejected base claim 6, but would be allowable if rewritten to include the limitations of base claim 6. Applicants amend claim 8 accordingly, and respectfully request that the objection be withdrawn, and that amended claim 8 be passed to allowance.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 – 5, 13 – 15 and 16 – 18 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds that claimed terms in independent claims 1, 13 and 16 lack sufficient antecedent basis. Applicants thank the Examiner for noting that, if the rejection under the second paragraph of 35 U.S.C. § 112 as to claims 16 – 18 is overcome, claims 16 – 18 will be deemed allowable. Applicants amend claims 1, 13 and 16 to provide sufficient antecedent basis, and respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn. Applicants submit that amended claim 16 and dependent claims 17 and 18 stand in condition for allowance.

19

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over "Mobile IP and Security Issue: An Overview" to Perkins in view of U.S. Patent No. 6,728,536 to Basilier et al. Claims 3, 6, 7 and 9 – 15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Perkins in view of Basilier and "Mobile IP Authentication, Authorization and Accounting Requirements" to Glass et al. Applicants respectfully traverse these rejections.

In independent claims 1, 6, 10 and 13, Applicants disclose apparatus for setting up a safe communication path between a mobile terminal making a position registration request upon moving to be served by an external network of a move destination and another external network serving another terminal with whom the mobile terminal communicates. For example, in independent claim 1, Applicants disclose:

> **1.** A server apparatus provided in a home network of an IP network using a protocol that automates the management of an IP address and the transfer of a communication packet to a move destination when a terminal has moved between networks on the IP network, the server apparatus comprising:
>
> memory means that stores information for constructing a safe communication path within an IP network in relation to the terminal; and
>
> distribution means that distributes the information to construct a safe communication path between the terminal within an external network of a move destination and another the other terminal with whom the terminal communicates.

With reference, fro example, to page 4, line 29 to page 9, line 19 of Applicants' specification and Applicants' FIG. 2, Applicants' disclose an apparatus for enabling a first terminal moving between networks to communicate with another destination terminal by registering a location of the mobile terminal, linked with a position registration procedure for mobile IP networks (as id described, for example, in RFC

20

2002), and further dynamically setting a VPN of the IP Sec. as a safe communications path between security gateways installed in the different networks.

As shown for example in FIG. 2, a mobile system includes home network 3 having a home agent (HA), external networks 2, 4, and 5, mobile node (MN) 1 as a moving terminal and correspondent nodes (CNs) 32, 42, 52 as destination terminals communicating with MN 1 via security gateways VPNGW (FA) 21, VPNGW (PCN) 41 and VPNGW 51. VPNGW (HA) 31

As is further shown in FIG. 2, a destination terminal communicating with MN 1 is not restricted just to CN 32 in the home network, but can include CNs 42 and 52 associated with external networks. Safe communications between MN 1 and CNs 42, 52 are enabled by dynamically setting VPN tunnels with each external move. The procedure for dynamically configuring VPNs is described, for example, at page 26, line 21 through page 39, line 14 of Applicants' specification, and with reference to Applicants' FIGs. 25 – 30.

Perkins discloses a mobile communication system having accounting, authentication and authorization (AAA) services in each of a home domain and a local domain. The system of Perkins provides an authentication method that is linked with registering a mobile IP connection between a MN and a HA, which effectively registers the mobile IP connection between a MN in a local domain corresponding to an external network, and a HA in the home domain.

In sharp contrast, Perkins fails to disclose a method for constructing a safe communication path between a MN and either one of a HA or a FA, as in the claimed invention. For example, as illustrated in FIG. 8 of Perkins, Perkins shows only a MN

21

directly connected to FA like Applicants' VPNGW (FA) 21 , and does not show a CN communicating with the MN at all. Thus, unlike Applicants' claimed apparatus of independent claim 1, Perkins fails to disclose or suggest Applicants claimed distribution means for constructing a safe communication path between the terminal within an external network of a move destination and the other terminal with whom the terminal communicates. Applicants respectfully submit that these claimed limitations are in addition neither disclosed suggested by Perkins in combination with the other cited references

Applicants therefore submit that independent claim 1 is not made obvious by the cited references, and is in condition for allowance. As the cited limitations are essentially repeated or otherwise required by the limitations of independent claims 6, 10 and 13, Applicants essentially re-apply the above arguments to assert that independent claims 6, 10 and 13 are not made obvious by the cited references, and are therefore also in condition for allowance. As claims 2 – 5, 7 and 9, 11 and 12, and 14 and 15 respectively depend from allowable claims 1, 6, 10 and 13, Applicants further submit that claims 2 – 5, 7, 9, 11, 12, 14 and 15 are allowable for at least this reason.
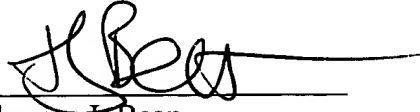
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that 1 - 25, which include independent claims 1, 6, 8, 10, 13, 16 and 19, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this

application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

PHONE: (212) 940-8800/FAX: (212) 940-8776
Docket No.: 100794-11714 (FUJA 18.522)